
From: Semenoro, Timothy <tsemenoro@mmwr.com>
Sent: Monday, July 31, 2023 11:41 AM
To: KARPOUSIS, JOHN; [REDACTED]
Cc: PALLAY, MATTHEW; HONEA, TANNER; Robert Suarez; Gino Zonghetti; claudio@castlerockrisk.com; peter.deegan@abl-group.com; James Kline; dtantrum@martinottaway.com; greg.rogers@burgoynes.com; Anil Nagalingam; MMWR_Grand_Costa_Davorio
Subject: RE: GRANDE COSTA D'AVORIO - evidence preservation

WITHOUT PREJUDICE

Dear John/Tanner/Matt (and Bob/Gino),

In response to your E-mail below, please consider the following:

Items to be preserved

As we have already explained, on a practical level, your proposed list of equipment and systems remains overbroad. Your list still includes equipment and systems not even in the proximity of the incident, i.e., certain other fire suppression systems, fire hoses elsewhere, portable extinguishers elsewhere, fighting detection and suppression systems elsewhere, certain fighting [sic; fire?] detection and suppression systems elsewhere, and smoke detectors elsewhere.

Again, your list also includes items that to our knowledge are not installed on board in way of cargo spaces, e.g., heat detectors, heat detecting systems, and heat detection alarms.

To be clear, this vessel will be repaired. Naturally, all damaged or spent equipment and materials will need to be replaced or replenished. Your experts have already had the opportunity to inspect and document the affected areas twice on board the vessel.

The Jeep, Toyota, and items in close proximity to those vehicles will be recovered on Wednesday, 2 August, starting at 9 am at the vessel. Please have your necessary representatives present. More to follow on this under separate cover.

Other than those items, everything else will be brought back up to operational standards. Burned and damaged equipment will be discarded. Fixed systems will be repaired, as needed.

Therefore, on Wednesday, subject to USCG observation and approval, AMS (and Ports America) should be prepared to identify, catalog, and take into custody selected burned and damaged:

- fire hoses,
- portable extinguishers,
- all other firefighting equipment including self-contained, breathing apparatus, fire suits
- firefighting locker equipment

Again, the VDR data was already retrieved by USCG. The VDR capsule remains in USCG custody

The following systems will be repaired and/or serviced, as needed:

- any and all fire suppression systems aboard the vessel
- all fire pumps,
- fire stations,
- all [fire] fighting detection and suppression systems
- smoke detectors,
- smoke alarms,

For some systems, the alarm log data has already been extracted and/or removed by USCG. This would include:

- any system which records fire alarms, or sirens
- any other fire warnings, and
- any system which records or tracks the engagement or sounding off of smoke detectors or alarms
- any system which records or tracks the engagement or sounding of or heat detectors or alarms.

Any damaged piping, wiring, etc. will likely be removed and replaced at a shipyard. If AMS (and/or Ports America) are interested in those items, then they can make separate arrangements with that shipyard to obtain and retain custody of those items. Owners will not be responsible for the shipyard costs, lost scrap metal credits, or time that these collection efforts may require.

Interviews of the crew

Our position remains the same. We have already explained that investigators from the USCG, NTSB, ATF, Essex County Prosecutor's office, and other government agencies have already interviewed the crew. These interviews were extensive and video recorded. Those video files are accessible to AMS and Ports America via the USCG Homeports portal.

Again, at this time, we are not making crew available to AMS and Ports America. We expect there to be other parties interested in the depositions of various crew. No party is required to produce witnesses again and again.

Questions about the vessel

We don't know the answers to your questions because the Owners are still in discussions with relevant parties. We do know that the intention is to repair the vessel outside the US.

We don't have any information about the value of the cargo either.

This communication is made on a without prejudice basis and with our clients' rights and defenses reserved.

Best regards,

Tim



Timothy Semenoro | Partner

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From: KARPOUSIS, JOHN <KARPOUSI@FREEHILL.COM>

Sent: Sunday, July 30, 2023 11:15 AM

To: Semenoro, Timothy <tsemenoro@mmwr.com>; [REDACTED]

Cc: PALLAY, MATTHEW <PALLAY@FREEHILL.COM>; HONEA, TANNER <HONEA@FREEHILL.COM>; Robert Suarez <robert.suarez@kdvlaw.com>; Gino Zonghetti <gzonghetti@kdvlaw.com>; claudio@castlerockrisk.com; peter.deegan@abl-group.com; James Kline <jkline@martinottaway.com>; dtantrum@martinottaway.com; greg.rogers@burgoyne.com; Anil Nagalingam <anil.nagalingam@burgoyne.com>; MMWR_Grand_Costa_Davorio <MMWR_Grand_Costa_Davorio@mmwr.com>

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****CAUTION** External Email**

Tim-

apologies for the late reply- I was at a family wedding Fri/Sat

AMS reiterates that the following items be preserved

- any and all fire suppression systems aboard the vessel
- all fire pumps,
- fire hoses,
- fire stations,
- portable extinguishers,
- firefighting locker and equipment stored therein, including any inventory made thereof
- all other firefighting equipment including self-contained, breathing apparatus, fire suits,
- all fighting detection and suppression systems
- all VDR, data panels, and any other data recorders,
- smoke detectors,
- smoke alarms,
- heat detectors
- heat detecting systems
- heat detection alarms
- any system which records fire alarms, or sirens
- any other fire warnings, and
- any system which records or tracks the engagement or sounding off of smoke detectors or alarms
- any system which records or tracks the engagement or sounding of or heat detectors or alarms.

AMS and Ports America have already provided owners with a litigation hold on documents and we reiterate that those documents be preserved and exchanged to the extent not already exchanged. Further, and for reasons already discussed with you over multiple e-mails, AMS would like to depose the crew that are currently present in the US prior to their departure from the US. This can happen after the USCG is through with them, but before they leave the jurisdiction.

Finally, can you provide answers to the following questions:

1. is there a timetable for the vessel's departure?
2. If so, where is it going, for what purpose, and when?
3. Also, have any valuation estimates been made with respect to the vessel both pre-casualty and post casualty?
4. If the answer to number 3 is yes, please provide those figures pre and post casualty?

5. In this vein, do we have figures for the value of the damaged cargo both pre and post casualty yet?

many thanks-
John K.

JOHN F. KARPOUSIS

Partner

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From: Semenoro, Timothy <tsemenoro@mmwr.com>

Sent: Friday, July 28, 2023 2:17 PM

To: [REDACTED]

Cc: KARPOUSIS, JOHN <KARPOUSI@FREEHILL.COM>; PALLAY, MATTHEW <PALLAY@FREEHILL.COM>; HONEA, TANNER <HONEA@FREEHILL.COM>; Robert Suarez <robert.suarez@kdvlaw.com>; Gino Zonghetti <gzonghetti@kdvlaw.com>; claudio@castlerockrisk.com; peter.deegan@abl-group.com; James Kline <jkline@martinottaway.com>; dtantrum@martinottaway.com; greg.rogers@burgoynes.com; Anil Nagalingam <anil.nagalingam@burgoynes.com>; MMWR_Grand_Costa_Davorio <MMWR_Grand_Costa_Davorio@mmwr.com>

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Everyone,

Thanks for the replies. We made some progress.

First off, **we are aiming for Tuesday of next week, i.e., 1 August, as the day to recover and move the vehicles and associated evidence.** We are working under the presumption that all interested parties will have a representative present. Despite all the planning, we should expect unforeseen issues to materialize on the day of; and, interested parties should have a decision-maker present to work with the rest of us.

In terms of planning, we are working with ETC to develop their scope of work. They will have to coordinate / fit in with the salvors on the ship. More on that later.